

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 631

By: Quinn of the Senate

and

Echols of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to transportation network companies;
12 amending Sections 7 and 16, Chapter 279, O.S.L. 2015
13 (47 O.S. Supp. 2016, Sections 1016 and 1025), which
14 relate to transportation network drivers; providing
15 that certain displays shall not alter certain
16 relationships; modifying certain online status; and
17 providing an effective date.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY Section 7, Chapter 279, O.S.L.
20 2015 (47 O.S. Supp. 2016, Section 1016), is amended to read as
21 follows:

22 Section 1016. A transportation network company's software
23 application or website shall display a picture of the TNC driver and
24 the license plate number of the motor vehicle utilized for providing
the prearranged ride before the passenger enters the TNC driver's

1 vehicle. A TNC that voluntarily elects to require TNC drivers to
2 display the TNC company emblem or logo while in operation to
3 identify the TNC vehicle and driver shall not in any way alter the
4 contractual relationship between the parties or create an
5 employer/employee relationship where one was not intended to exist
6 by the parties.

7 SECTION 2. AMENDATORY Section 16, Chapter 279, O.S.L.
8 2015 (47 O.S. Supp. 2016, Section 1025), is amended to read as
9 follows:

10 Section 1025. A. On or before July 1, 2015, and thereafter, a
11 transportation network company driver or TNC on the TNC driver's
12 behalf shall maintain primary automobile insurance that recognizes
13 that the driver is a TNC driver or otherwise uses a vehicle to
14 transport passengers for compensation and covers the driver:

15 1. While the driver is both logged on to and available to
16 receive transportation requests on the TNC's digital network; or

17 2. While the driver is engaged in providing prearranged rides.

18 B. The following automobile insurance requirements shall apply
19 while a TNC driver is both logged on to the TNC's digital network
20 and ~~is~~ available to receive transportation requests but is not
21 engaged in prearranged rides:

22 1. Primary automobile liability insurance in the amount of at
23 least Fifty Thousand Dollars (\$50,000.00) for death and bodily
24 injury per person, One Hundred Thousand Dollars (\$100,000.00) for

1 death and bodily injury per incident, and Twenty-five Thousand
2 Dollars (\$25,000.00) for property damage;

3 2. Uninsured motorist coverage where not waived pursuant to
4 Section 3636 of Title 36 of the Oklahoma Statutes; and

5 3. The coverage requirements of this subsection may be
6 satisfied by any of the following:

- 7 a. automobile insurance maintained by the TNC driver,
- 8 b. automobile insurance maintained by the TNC, or
- 9 c. any combination of subparagraphs a and b of this
10 paragraph.

11 C. The following automobile insurance requirements shall apply
12 while a TNC driver is engaged in a prearranged ride:

13 1. Primary automobile liability insurance that provides at
14 least One Million Dollars (\$1,000,000.00) for death, bodily injury,
15 and property damage;

16 2. Uninsured motorist coverage where not waived pursuant to
17 Section 3636 of Title 36 of the Oklahoma Statutes; and

18 3. The coverage requirements of this subsection may be
19 satisfied by any of the following:

- 20 a. automobile insurance maintained by the TNC driver,
- 21 b. automobile insurance maintained by the TNC, or
- 22 c. any combination of subparagraphs a and b of this
23 paragraph.

1 D. If insurance maintained by a TNC driver in subsection B or C
2 of this section has lapsed or does not provide the required
3 coverage, insurance maintained by a TNC shall provide the coverage
4 required by this section beginning with the first dollar of a claim
5 and have the duty to defend such claim.

6 E. Coverage under an automobile insurance policy maintained by
7 the TNC shall not be dependent on a personal automobile insurer
8 first denying a claim nor shall a personal automobile insurance
9 policy be required to first deny a claim.

10 F. Insurance required by this section may be placed with an
11 insurer authorized to do business in this state or with a surplus
12 lines insurer eligible under Section 1100 et seq. of Title 36 of the
13 Oklahoma Statutes.

14 G. Insurance satisfying the requirements of this section shall
15 be deemed to satisfy the financial responsibility requirement for a
16 motor vehicle under Chapter 7 of the Oklahoma Highway Safety Code of
17 Section 7-101 et seq. of ~~Title 47 of the Oklahoma Statutes~~ this
18 title, while the TNC driver is logged into the network.

19 H. A TNC driver shall carry proof of coverage satisfying
20 subsections B and C of this section with him or her at all times
21 during his or her use of a vehicle in connection with a
22 transportation network company's digital network. Proof of coverage
23 may be presented in electronic format. In the event of an accident,
24 a TNC driver shall provide this insurance coverage information to

1 the directly interested parties, automobile insurers and
2 investigating police officers, upon request pursuant to Section 7-
3 102 et seq. of ~~Title 47 of the Oklahoma Statutes~~ this title. Upon
4 such request, a TNC driver shall also disclose to directly
5 interested parties, automobile insurers, and investigating police
6 officers whether he or she was logged on to the TNC's digital
7 network or on a prearranged ride at the time of an accident.

8 SECTION 3. This act shall become effective November 1, 2017.

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10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
11 dated 04/06/2017 - DO PASS, As Amended.

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